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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TYLER ERDMAN,

Plaintiff,

against

ADAM VICTOR,

Defendant.

Case No.: 1:20-cv-04162 (LGS)

**DECLARATION OF
ALFRED POLIZZOTTO IN
SUPPORT OF MOTION TO
DISMISS**

Pursuant to 28 U.S.C. §1746, Alfred Polizzotto, declares, under the penalty of perjury, the following to be true:

1. I am associated with POLIZZOTTO & POLIZZOTTO LLC, counsel to Adam Victor (“Victor”), defendant in the above-captioned action. I submit this Declaration in support of Defendant’s motion to dismiss the Second Amended Complaint (“Sec. Amen. Compl.”) filed by *pro se* Plaintiff Tyler Erdman (“Plaintiff” or “Erdman”), or, in the alternative, pursuant to FRCP 12(f) to strike scandalous and impertinent statements which Erdman gratuitously inserted into the Second Amended Complaint.
2. A copy of the Second Amended Complaint in the above-captioned action is attached as Exhibit 1.

3. Attached hereto as Exhibit 2 is an unsigned copy of the May 31, 2019 letter by Adam Victor referenced in Plaintiff's Second Amended Complaint.

4. Attached hereto as Exhibit 3 is an excerpt from the Amended Verified Complaint, dated September 1, 2016, in *Khatskevich v. Victor et al.*, Index No. 151658/2014 in the Supreme Court of the State of New York, New York County.

5. Attached hereto as Exhibit 4 is an excerpt from the Verified Answer and Affirmative Defenses, dated September 21, 2016, to the Amended Verified Complaint in *Khatskevich v. Victor et al.*, Index No. 151658/2014 in the Supreme Court of the State of New York, New York County.

6. Attached hereto as Exhibit 5 is an excerpt from the Amended Answer to the Amended Complaint and Counterclaims of Tyler Erdman, dated September 8, 2015, in *Victor v. Khatskevich*, Index No. 158981/2014 in the Supreme Court of the State of New York, New York County.

7. Attached hereto as Exhibit 6 is an excerpt from the Answer to Counterclaims, dated September 28, 2015, in *Victor v. Khatskevich et al.*, Index No. 158981/2014 in the Supreme Court of the State of New York, New York County.

Dated: Brooklyn, New York
September 23, 2021

/s/ Alfred Polizzotto III
ALFRED POLIZZOTTO III